

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AARON THOMPSON,	)	
	)	
Plaintiff,	)	2: 15-cv-00714
	)	
v.	)	Judge Mark R. Hornak
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

On June 2, 2015, the above captioned case was initiated by the filing of a Motion for Leave to Proceed *in forma pauperis* (ECF No. 1), with attached prisoner civil rights complaint, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on June 11, 2015 (ECF No. 2) recommending that the case be transferred to the United States District Court for the Middle District of Pennsylvania because all of Plaintiff's claims arose from incidents which allegedly occurred while he was incarcerated at the Federal Prison Camp, referred to as FPC Schuylkill, in Minersville, PA, which is located within the territorial limits of the United States District Court for the Middle District of Pennsylvania. The Report and Recommendation was mailed to Plaintiff at his listed address of record. Plaintiff was advised that he had until June 29, 2015, to file written objections to the Report and Recommendation. To date, no objections have been filed nor has Plaintiff sought an extension of time in which to file any objections.

The Court has reviewed the matter *de novo*, and concludes that the Report and Recommendation correctly concludes that venue in this District does not lie and that this action

should be transferred to the Middle District of Pennsylvania<sup>1</sup>. After such *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

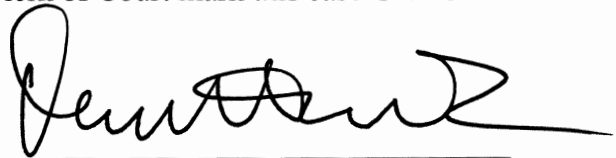
**AND NOW**, this 13<sup>th</sup> day of July, 2015:

**IT IS HEREBY ORDERED** that this prisoner lawsuit filed under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and the Federal Tort Claims Act, 28 U.S.C. § 2671, *et. seq.*, be **TRANSFERRED forthwith** to the United States District Court for the Middle District of Pennsylvania.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 2), as amended by this Order, is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that a ruling on Plaintiff's *in forma pauperis* motion be deferred to the transferee court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.



Mark R. Hornak  
United States District Judge

cc: AARON THOMPSON  
17310-014  
P.O. Box 2000  
Bruceton Mills, WV 26525-2000  
(via Certified and U.S. First Class Mail)

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<sup>1</sup> It is arguable that the "U.S. Bureau of Prisons" could literally be "found" in this District, but as an agency of the United States, it is not a properly-named Defendant in a *Bivens* action such as this, and in any event, in considering 28 U.S.C. §1391(b)(3), there is another judicial district in which this action may be brought, namely the Middle District of Pennsylvania, so that subsection is inapplicable in any event.